3367. Misbranding of sulfadiazine tablets, Benzedrine Sulfate tablets, diethylstilbestrol tablets, sulfadiazine and soda tablets, thyroid tablets, Dexedrine Sulfate tablets, and phenobarbital tablets. U. S. v. James Roy Ivey (Ivey's Drug Store), and Joe G. Bell. Pleas of nolo contendere. Imposition of sentence suspended and each defendant placed on probation for 1 year. (F. D. C. No. 30015. Sample Nos. 46385-K, 46386-K, 61888-K, 61889-K, 77705-K, 77706-K, 77708-K, 77720-K.)

INFORMATION FILED: January 15, 1951, Western District of Arkansas, against James Roy Ivey, trading as Ivey's Drug Store, Mena, Ark., and Joe G. Bell, an employee of the drug store.

ALLEGED SHIPMENT: From the States of Missouri, Pennsylvania, and Indiana, into the State of Arkansas, of quantities of *sulfadiazine tablets, Benzedrine Sulfate tablets, diethylstilbestrol tablets, sulfadiazine and soda tablets, thyroid tablets, Dexedrine Sulfate tablets,* and *phenobarbital tablets.*

ALLEGED VIOLATIONS: On or about March 6, 10, and 14, 1950, while the drugs were being held for sale after shipment in interstate commerce, the defendants caused various quantities of the drugs to be repackaged and sold without a prescription, which acts resulted in the repackaged drugs being misbranded.

James Roy Ivey, the proprietor, was named as defendant in all counts, and Joe G. Bell was named as defendant in those counts charging the repackaging and sale of the *sulfadiazine tablets* and the *Benzedrine Sulfate tablets* and 1 lot of the *phenobarbital tablets.*

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing statements of the quantity of the contents; Section 502 (f) (1), the repackaged drugs failed to bear labeling containing directions for use; and, Section 502 (b) (1), the repackaged *Benzedrine Sulfate tablets* and a portion of the *sulfadiazine tablets* and the *phenobarbital tablets* failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor.

Further misbranding, Section 502 (d), the *phenobarbital tablets* contained a chemical derivative of barbituric acid, which derivative, the Federal Security Administrator, after investigation, has found to be, and by regulations designated as, habit forming; and the label of the repackaged *phenobarbital tablets* failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (2), the labeling of the repackaged *sulfadiazine tablets* bore no warning against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: February 5, 1951. Pleas of nolo contendere having been entered, the court suspended the imposition of sentence and placed each defendant on probation for 1 year.

3368. Misbranding of dextro-amphetamine hydrochloride tablets, thyroid tablets, and amphetamine hydrochloride tablets. U. S. v. W. Calvert Curry (Curry Drug Co.). Plea of guilty. Fine, $500. (F. D. C. No. 30008. Sample Nos. 23759-K, 23760-K, 23784-K, 53230-K, 53231-K, 53234-K.)

INFORMATION FILED: February 2, 1951, Northern District of Texas, against W. Calvert Curry, trading as the Curry Drug Co., San Angelo, Tex.

INTERSTATE SHIPMENT: From the States of Missouri, Pennsylvania, and Michigan, into the State of Texas, of quantities of *dextro-amphetamine hydrochloride tablets, thyroid tablets,* and *amphetamine hydrochloride tablets.*

ALLEGED VIOLATION: On or about June 28 and July 5 and 11, 1949, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused quantities of the drugs to be repacked and sold without a prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and a statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs bore no directions for use.

Further misbranding, Section 502 (e) (1), the repackaged *dextro-amphetamine hydrochloride tablets* and the *amphetamine hydrochloride tablets* failed to bear labels containing the common or usual names of the drugs; and, Section 502 (f) (2), the labeling of the repackaged *amphetamine hydrochloride tablets* failed to bear warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: February 3, 1951. A plea of guilty having been entered, the court imposed a fine of $500 against the defendant.

3369. Misbranding of Dexedrine Sulfate tablets, thyroid tablets, sulfadiazine tablets, and phenobarbital tablets. U. S. v. Mrs. Raymond Morris (City Drug Store), and Tyre L. Delzell. Pleas of nolo contendere. Imposition of sentence suspended and defendants placed on probation for 1 year. (F. D. C. No. 30028. Sample Nos. 76419–K, 76420–K, 77122–K, 77123–K, 77721–K to 77723–K, incl.)

INFORMATION FILED: January 15, 1951, Western District of Arkansas, against Mrs. Raymond Morris, trading as the City Drug Store, Mena, Ark., and against Tyre L. Delzell, a pharmacist.

INTERSTATE SHIPMENT: From the States of Pennsylvania, Michigan, and Missouri, into the State of Arkansas, of quantities of *Dexedrine Sulfate tablets, thyroid tablets, sulfadiazine tablets*, and *phenobarbital tablets*.

ALLEGED VIOLATION: On or about March 6, 10, and 14, 1950, while the drugs were being held for sale after shipment in interstate commerce, the defendants caused various quantities of the drugs to be repackaged and sold without a prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing statements of the quantity of the contents; Section 502 (f) (1), the labeling of the repackaged drugs bore no directions for use; and Section 502 (b) (1), the repackaged *phenobarbital tablets* and *thyroid tablets* and a portion of the *Dexedrine Sulfate tablets* failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor.

Further misbranding, Section 502 (d), the *phenobarbital tablets* contained a chemical derivative of barbituric acid, which derivative, the Federal Security Administrator, after investigation, has found to be, and by regulations designated as, habit forming; and when repackaged, the tablets failed to bear a label containing the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (2), the labeling of the repackaged *sulfadiazine tablets* bore no warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.